

## Calendar No. 631

113TH CONGRESS }  
2d Session } SENATE { REPORT  
113-291

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### COLUMBINE-HONDO WILDERNESS ACT

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DECEMBER 10, 2014.—Ordered to be printed

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Ms. LANDRIEU, from the Committee on Energy and Natural Resources, submitted the following

#### R E P O R T

[To accompany S. 776]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 776) to establish the Columbine-Hondo Wilderness in the State of New Mexico, to provide for the conveyance of certain parcels of National Forest System land in the State, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Columbine-Hondo Wilderness Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

**TITLE I—ADDITION TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM**

Sec. 101. Designation of the Columbine-Hondo Wilderness.  
Sec. 102. Wheeler Peak Wilderness boundary modification.

**TITLE II—LAND CONVEYANCES AND SALES**

Sec. 201. Town of Red River land conveyance.  
Sec. 202. Village of Taos Ski Valley land conveyance.  
Sec. 203. Authorization of sale of certain National Forest System land.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **RED RIVER CONVEYANCE MAP.**—The term “Red River Conveyance Map” means the map entitled “Town of Red River Town Site Act Proposal” and dated April 19, 2012.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(3) **STATE.**—The term “State” means the State of New Mexico.

(4) **TOWN.**—The term “Town” means the town of Red River, New Mexico.

(5) VILLAGE.—The term “Village” means the village of Taos Ski Valley, New Mexico.

(6) WILDERNESS.—The term “Wilderness” means the Columbine-Hondo Wilderness designated by section 101(a).

(7) WILDERNESS MAP.—The term “Wilderness Map” means the map entitled “Columbine-Hondo, Wheeler Peak Wilderness” and dated April 25, 2012.

## **TITLE I—ADDITION TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM**

### **SEC. 101. DESIGNATION OF THE COLUMBINE-HONDO WILDERNESS.**

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 45,000 acres of land in the Carson National Forest in the State, as generally depicted on the Wilderness Map, is designated as wilderness and as a component of the National Wilderness Preservation System, which shall be known as the “Columbine-Hondo Wilderness”.

(b) MANAGEMENT.—

(1) IN GENERAL.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with this Act and the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

(2) ADJACENT MANAGEMENT.—

(A) IN GENERAL.—Congress does not intend for the designation of the Wilderness to create a protective perimeter or buffer zone around the Wilderness.

(B) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within the Wilderness shall not preclude the conduct of the activities or uses outside the boundary of the Wilderness.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land that is within the boundary of the Wilderness that is acquired by the United States shall—

(1) become part of the Wilderness; and

(2) be managed in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.);

(B) this section; and

(C) any other applicable laws.

(d) GRAZING.—Grazing of livestock in the Wilderness, where established before the date of enactment of this Act, shall be allowed to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 5487 of the 96th Congress (H. Rept. 96–617).

(e) COLUMBINE-HONDO WILDERNESS STUDY AREA.—

(1) FINDING.—Congress finds that, for purposes of section 103(a)(2) of Public Law 96–550 (16 U.S.C. 1132 note; 94 Stat. 3223), any Federal land in the Columbine-Hondo Wilderness Study Area administered by the Forest Service that is not designated as wilderness by subsection (a) has been adequately reviewed for wilderness designation.

(2) APPLICABILITY.—The Federal land described in paragraph (1) is no longer subject to subsections (a)(2) and (b) of section 103 of Public Law 96–550 (16 U.S.C. 1132 note; 94 Stat. 3223).

(f) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare maps and legal descriptions of the Wilderness.

(2) FORCE OF LAW.—The maps and legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—The maps and legal descriptions prepared under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(g) FISH AND WILDLIFE.—

(1) IN GENERAL.—Nothing in this section affects the jurisdiction of the State with respect to fish and wildlife located on public land in the State, except that the Secretary may designate areas in which, and establish periods during

which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the Wilderness.

(2) CONSULTATION.—Except in emergencies, the Secretary shall consult with the appropriate State agency and notify the public before taking any action under paragraph (1).

(h) WITHDRAWALS.—Subject to valid existing rights, the Federal land described in subsections (a) and (e)(1) and any land or interest in land that is acquired by the United States in the Wilderness after the date of enactment of this Act is withdrawn from—

- (1) entry, appropriation, or disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

#### **SEC. 102. WHEELER PEAK WILDERNESS BOUNDARY MODIFICATION.**

(a) IN GENERAL.—The boundary of the Wheeler Peak Wilderness in the State is modified as generally depicted in the Wilderness Map.

(b) WITHDRAWAL.—Subject to valid existing rights, any Federal land added to or excluded from the boundary of the Wheeler Peak Wilderness under subsection (a) is withdrawn from—

- (1) entry, appropriation, or disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

## **TITLE II—LAND CONVEYANCES AND SALES**

#### **SEC. 201. TOWN OF RED RIVER LAND CONVEYANCE.**

(a) IN GENERAL.—Subject to the provisions of this section, the Secretary shall convey to the Town, without consideration and by quitclaim deed, all right, title, and interest of the United States in and to the one or more parcels of Federal land described in subsection (b) for which the Town submits a request to the Secretary by the date that is not later than 1 year after the date of enactment of this Act.

(b) DESCRIPTION OF LAND.—The parcels of Federal land referred to in subsection (a) are the parcels of National Forest System land (including any improvements to the land) in Taos County, New Mexico, that are identified as “Parcel 1”, “Parcel 2”, “Parcel 3”, and “Parcel 4” on the Red River Conveyance Map.

(c) CONDITIONS.—The conveyance under subsection (a) shall be subject to—

- (1) valid existing rights;
- (2) public rights-of-way through “Parcel 1”, “Parcel 3”, and “Parcel 4”;
- (3) an administrative right-of-way through “Parcel 2” reserved to the United States; and
- (4) such additional terms and conditions as the Secretary may require.

(d) USE OF LAND.—As a condition of the conveyance under subsection (a), the Town shall use—

- (1) “Parcel 1” for a wastewater treatment plant;
- (2) “Parcel 2” for a cemetery;
- (3) “Parcel 3” for a public park; and
- (4) “Parcel 4” for a public road.

(e) REVERSION.—In the quitclaim deed to the Town under subsection (a), the Secretary shall provide that any parcel of Federal land conveyed to the Town under subsection (a) shall revert to the Secretary, at the election of the Secretary, if the parcel of Federal land is used for a purpose other than the purpose for which the parcel was conveyed, as required under subsection (d).

(f) SURVEY; ADMINISTRATIVE COSTS.—

(1) SURVEY.—The exact acreage and legal description of the National Forest System land conveyed under subsection (a) shall be determined by a survey approved by the Secretary.

(2) COSTS.—The Town shall pay the reasonable survey and other administrative costs associated with the conveyance.

#### **SEC. 202. VILLAGE OF TAOS SKI VALLEY LAND CONVEYANCE.**

(a) IN GENERAL.—Subject to the provisions of this section, the Secretary shall convey to the Village, without consideration and by quitclaim deed, all right, title, and interest of the United States in and to the parcel of Federal land described in subsection (b) for which the Village submits a request to the Secretary by the date that is not later than 1 year after the date of enactment of this Act.

(b) DESCRIPTION OF LAND.—The parcel of Federal land referred to in subsection (a) is the parcel comprising approximately 4.6 acres of National Forest System land (including any improvements to the land) in Taos County generally depicted as “Parcel 1” on the map entitled “Village of Taos Ski Valley Town Site Act Proposal” and dated April 19, 2012.

(c) CONDITIONS.—The conveyance under subsection (a) shall be subject to—

- (1) valid existing rights;
- (2) an administrative right-of-way through the parcel of Federal land described in subsection (b) reserved to the United States; and
- (3) such additional terms and conditions as the Secretary may require.

(d) USE OF LAND.—As a condition of the conveyance under subsection (a), the Village shall use the parcel of Federal land described in subsection (b) for a wastewater treatment plant.

(e) REVERSION.—In the quitclaim deed to the Village, the Secretary shall provide that the parcel of Federal land conveyed to the Village under subsection (a) shall revert to the Secretary, at the election of the Secretary, if the parcel of Federal land is used for a purpose other than the purpose for which the parcel was conveyed, as described in subsection (d).

(f) SURVEY; ADMINISTRATIVE COSTS.—

(1) SURVEY.—The exact acreage and legal description of the National Forest System land conveyed under subsection (a) shall be determined by a survey approved by the Secretary.

(2) COSTS.—The Village shall pay the reasonable survey and other administrative costs associated with the conveyance.

#### **SEC. 203. AUTHORIZATION OF SALE OF CERTAIN NATIONAL FOREST SYSTEM LAND.**

(a) IN GENERAL.—Subject to the provisions of this section and in exchange for consideration in an amount that is equal to the fair market value of the applicable parcel of National Forest System land, the Secretary may convey—

(1) to the holder of the permit numbered “QUE302101” for use of the parcel, the parcel of National Forest System land comprising approximately 0.2 acres that is generally depicted as “Parcel 5” on the Red River Conveyance Map; and

(2) to the owner of the private property adjacent to the parcel, the parcel of National Forest System land comprising approximately 0.1 acres that is generally depicted as “Parcel 6” on the Red River Conveyance Map.

(b) DISPOSITION OF PROCEEDS.—Any amounts received by the Secretary as consideration for a conveyance under subsection (a) shall be—

(1) deposited in the fund established under Public Law 90–171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(2) available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land in Region 3 of the Forest Service.

(c) CONDITIONS.—The conveyance under subsection (a) shall be subject to—

- (1) valid existing rights; and
- (2) such additional terms and conditions as the Secretary may require.

(d) SURVEY; ADMINISTRATIVE COSTS.—

(1) SURVEY.—The exact acreage and legal description of the National Forest System land conveyed under subsection (a) shall be determined by a survey approved by the Secretary.

(2) COSTS.—The reasonable survey and other administrative costs associated with the conveyance shall be paid by the holder of the permit or the owner of the private property, as applicable.

#### **PURPOSE**

The purpose of S. 776 is to establish the approximately 45,000-acre Columbine-Hondo Wilderness, modify the boundary of the Wheeler Peak Wilderness, and to convey certain National Forest System land to the Town of Red River and Village of Taos Ski Valley in New Mexico.

#### **BACKGROUND AND NEED**

The lush forests and alpine meadows of the Columbine-Hondo are home to abundant Rocky Mountain wildlife, such as mule deer, elk, black bear, and mountain lion. Above the tree line, New Mexico’s prized herd of bighorn sheep, along with marmots and pica,

can be seen in a fragile alpine tundra habitat. The Columbine-Hondo contains the headwaters of the Rio Hondo and Red River, both major tributaries of the upper Río Grande in northern New Mexico. The pristine creeks and streams of the Columbine-Hondo provide surface water for the downstream agricultural communities of Valdez, Arroyo Hondo, Arroyo Seco, San Cristobal, and Questa.

The Columbine-Hondo region of the Sangre de Cristo Mountains contains ponderosa pine and mixed conifer forests, alpine meadows, and some of the highest peaks in the State, including Gold Hill, which rises to an elevation of 12,711 feet.

The permanent protection of this area will ensure quality habitat for hunters and anglers, the protection of the primary watershed for numerous nearby communities and downstream water users, and the preservation of historic ways of life for northern New Mexicans. Nearby communities are also interested in attracting additional tourism to recreate in this wilderness area.

#### LEGISLATIVE HISTORY

Senator Udall of New Mexico introduced S. 776 on April 22, 2013. Senator Heinrich is a cosponsor of the bill.

On November 20, 2013, the Subcommittee on Public Lands, Forests, and Mining of the Committee on Energy and Natural Resources held a legislative hearing on S. 776 (S. Hrg. 113-342). The Committee adopted an amendment in the nature of a substitute to S. 776 and ordered S. 776, as amended, favorably reported on November 13, 2014.

A similar bill, S. 2468, was introduced by Senators Bingaman and Udall of New Mexico in the 112th Congress on April 26, 2012.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on November 13, 2014, by a voice vote of a quorum present, recommends that the Senate pass S. 776, if amended as described herein.

#### COMMITTEE AMENDMENT

During its consideration of S. 776, the Committee adopted an amendment in the nature of a substitute containing technical changes to the bill.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* provides the short title “Columbine-Hondo Wilderness Act.”

*Section 2* defines key terms used in the Act.

*Section 101* designates 45,000 acres of land in the Carson National Forest in New Mexico as wilderness.

*Section 102* modifies the boundary of the Wheeler Park Wilderness by adding 650 acres.

*Section 103* authorizes such sums as are necessary to carry out title I of the Act.

*Section 201* requires the Secretary to convey, without consideration, several parcels of land to the Town of Red River. The Town will use the parcels for public purposes including for a wastewater treatment plant, a cemetery, a public park, and a public road.

*Section 202* requires the Secretary to convey, without consideration, a parcel of land totaling 4.6 acres to the Village of Taos Ski Valley. The Village will use the parcel for a public purpose as a wastewater treatment plant.

*Section 203* authorizes the Secretary to convey to, at fair market value, two parcels of land to private property owners to correct a trespass on National Forest System land that was discovered during an updated survey.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

##### *S. 776—Columbine-Hondo Wilderness Act*

S. 776 would designate about 32,000 acres of federal land in New Mexico as components of the National Wilderness Preservation System. The bill also would require the Forest Service to convey, without consideration, four parcels of land totaling 43 acres to two municipalities in New Mexico. Finally, the bill would authorize the agency to sell two parcels of federal land totaling less than half an acre to two private entities.

Based on information regarding the cost of similar activities and assuming appropriation of the necessary amounts, CBO estimates that establishing the new wilderness area and carrying out the land transactions required under the bill would cost less than \$500,000. Because the bill would authorize the Forest Service to retain and spend any proceeds from the sale of the affected lands, we estimate that enacting the bill would increase offsetting receipts and associated direct spending; therefore, pay-as-you-go procedures apply. However, we estimate that the total net proceeds from the authorized land sales would be minimal. Enacting S. 776 would not affect revenues.

The bill would authorize the Forest Service to sell 0.2 acres to a church and 0.1 acres to a private landowner in the town of Red River, New Mexico. Based on the value of similar lands in the area, CBO estimates that the proceeds from those sales would total less than \$100,000. Because the agency would be able to retain and spend those amounts under the bill, CBO estimates that enacting those provisions would have no significant net impact on direct spending over the 2015–2024 period. In addition, because none of the lands that would be designated as wilderness or conveyed to the municipalities currently produce any income and are not expected to do so in the future, we estimate that enacting those provisions would not affect direct spending.

S. 776 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit the town of Red River and the village of Taos Ski Valley in New Mexico. Any costs to those entities resulting from the land conveyances would be incurred voluntarily.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 776.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 776, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

The testimony of the Deputy Chief of the Forest Service at the November 20, 2013 hearing before the Subcommittee on Public Lands, Forests and Mining on S. 776 follows.

**STATEMENT OF LESLIE WELDON, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE, DEPARTMENT OF AGRICULTURE**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to provide the Department of Agriculture's (USDA) views on S. 776, a bill to establish the Columbine-Hondo Wilderness in the State of New Mexico, to provide for the conveyance of certain parcels of National Forest System land in the State, and for other purposes.

USDA supports S. 776, if amended to make the provisions related to the conveyances of National Forest System lands consistent with the department's testimony.

S. 776 would designate the 45,000 acre Columbine-Hondo Wilderness Study Area as part of the National Wilderness Preservation System. The bill would also make a boundary adjustment to the Wheeler Peak Wilderness Area. In addition, the bill would direct the conveyance of parcels of National Forest System land to the town of Red River and the village of Taos Ski Valley without consideration. These parcels contain sewage treatment plants, recreational facilities and private buildings that are authorized under special use permits. The bill also would authorize the conveyance of two parcels to private parties, totaling approximately 0.3 acres of National Forest System lands, for fair market value.

**SECTION 101—DESIGNATION OF THE COLUMBINE-HONDO WILDERNESS**

The Department supports the addition of the Columbine-Hondo Wilderness Study Area on the Carson National Forest as part of the National Wilderness Preservation System. The 45,000 acre Columbine-Hondo area is located in the Carson National Forest and was designated as a Wilderness Study Area in 1980 and was recommended for Wilderness designation in the Forest Plan in 1986. This al-

pine area is part of the southern end of the Sangre de Christo Mountain Range and truly has outstandingly remarkable features including Gold Hill and Lobo Peak both rising above tree line over 12,000 feet. It is a scenic backdrop for skiers at Taos Ski Valley as well as the communities in Taos County. It is an area popular with summer hikers and fishermen because of its stunning views, steep canyons, clear cold streams and accessible trail system.

In the intervening years since the Forest Plan recommendation, two of the steeper trails within the proposed Wilderness Area have been used by highly skilled mountain bikers. Upon designation, these trails would no longer be available for mountain bike use.

#### SECTION 102—WHEELER PEAK WILDERNESS BOUNDARY MODIFICATION

In order to address the loss of mountain biking opportunities with the creation of the Columbine-Hondo Wilderness, mountain bike and wilderness interests have proposed adjusting the Wheeler Peak Wilderness boundary to allow for mountain bike use. The modification also adds acreage to the Wheeler Peak Wilderness for a net addition of 650 acres. While the Department applauds the collaborative efforts between interest groups, we would like to work with the Committee to explore other options to address mountain biking opportunities as this proposal may present unforeseen management challenges.

#### SECTION 201—TOWN OF RED RIVER LAND CONVEYANCE AND SECTION 202—VILLAGE OF TAOS SKI VALLEY LAND CONVEYANCE

While the Department understands the interests of local communities in acquiring parcels which are considered vital to community infrastructure and development, the Department has concerns with the proposed conveyance of these parcels without consideration. As a matter of general precedent, the Department supports conveyances only where the Federal Government receives appropriate consideration. The Town of Red River and the Village of Taos Ski Valley plan to develop permanent infrastructure on the parcels proposed for conveyance. The Department recommends conveying the parcels for community purposes for market value and that the proceeds be deposited into the Sisk Act fund. Additionally, the legislation would provide for the reversion of the property to the United States, at the election of the Secretary, if the conditions under Sections 201(d) and 202(d) are violated. We would like to work with the Committee to address concerns with the reversionary language.

#### SECTION 203—AUTHORIZATION OF SALE OF CERTAIN NATIONAL FOREST SYSTEM LAND

The Department supports the conveyance of NFS parcels for market value and the proceeds being deposited in a

Sisk Act fund. The parcels to be conveyed to the private parties are each less than one acre in size.

This concludes my statement and I would be happy to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 776, as ordered reported.

